

Licensing Standards Officers Report

LICENSING (SCOTLAND) ACT 2005 “the 2005 Act”

PREMISES LICENCE VARIATION APPLICATION

PREMISES: Dumbarton (Glasgow Road) Service Station, 36 Glasgow Road, Dumbarton, G82 1QZ

PREMISES LICENCE APPLICANT: Motor Fuel Limited, 10 Bricket Road, St Albans, AL1 3JX 05206547

Members of the Licensing Board may wish to note that these premises may be an excluded premises in terms of the Licensing (Scotland) Act 2005. Section 123 of the Licensing (Scotland) Act 2005 defines excluded premises:-

123 Excluded premises

(1) No premises licence or occasional licence has effect to authorise the sale of alcohol on excluded premises.

(2) For the purposes of this Act, “excluded premises” means—

(a) premises on land—

(i) acquired or appropriated by a special roads authority, and

(ii) for the time being used,

for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class 1 (with or without other classes), and

(b) subject to subsection (5), premises used as a garage or which form part of premises which are so used.

(4) For the purposes of subsection (2)(b), premises are used as a garage if they are used for one or more of the following—

(a) the sale by retail of petrol or derv,

(b) the sale of motor vehicles, or

(c) the maintenance of motor vehicles.

(5) Despite subsection (2)(b), premises used for the sale by retail of petrol or derv or which form part of premises so used are not excluded premises if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of—

(a) petrol or derv, or

(b) groceries (where the premises are, or are to be, used also for the sale by retail of groceries).

Furthermore, this application may be contrary to the Licensing Board's Statement of Licensing Policy; namely Part 4:- Overprovision. For the Board's information these premises are located in IZ12.

Finally should the Licensing Board consider granting this application, the LSO recommends that the following licence conditions, as detailed in paragraph 24.2 of the Board's Statement of Licensing Policy should be applied;

The Board may consider extending the terminal hour for off sale type premises up to 10pm provided that suitable enhanced control measures have been put in place to promote the licensing objectives. Enhanced control measures must include CCTV cameras covering the interior of the premises and the exterior area adjacent to the entrance to the premises.

PREMISES LICENCES: ADDITIONAL CONDITIONS APPROVED BY WEST DUNBARTONSHIRE LICENSING BOARD

4 Off Sale Premises and CCTV

The minimum CCTV requirements for off sales premises wishing to trade after 8.00 pm will be that:-

- (a) The system is recordable and viewable at source and does so during all hours that the premises is open.
- (b) The images recorded should be date and time coded for the purposes of crime prevention.
- (c) Suitable surveillance is offered of the licensed area of the premises as denoted on the Layout Plan.

Premises Licence Holders should note that camera footage should be retained for a period of time that complies with recommendations made by the Information Commissioner in terms of the Data Protection Act.

The applicants are also requesting the addition of home deliveries of food and alcohol (not alcohol only) and the addition of hot food, lottery and Paypoint provision. The Board may wish to consider paragraphs 22.2 and 22.3 of The Board's Statement of Licensing Policy in relation to home deliveries of alcohol;

22.2 Premises which intend to provide home deliveries of alcohol must specify this in their Operating Plan (in response to Question 5(f)) and provide details of how this will operate. These details should include the hours of delivery, the steps taken to identify the age of the person ordering and taking delivery of the goods, in terms of "Challenge 25" as well what measures are in place to make sure that the alcohol is delivered to an appropriate person.

22.3 When considering applications which seek to allow the home delivery of alcohol The Licensing Board will consider attaching the conditions set out in Appendix 1, Part C. When considering the addition of such conditions the Board shall give the applicant an opportunity to address the Board on these conditions.

As the applicants wish to do home deliveries of alcohol I am therefore recommending the following condition is applied for the purposes of the licensing objectives of preventing crime and disorder and protecting Children and Young People from harm;

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Part C - Home Deliveries

The holder of the premises licence must make sure that:-

1. A robust age verification policy requires to be in place for deliveries that include alcohol and must be strictly adhered to by all delivery staff, incorporating a Challenge 25 approach. All delivery staff must be trained in the operation of the foregoing policy.
2. Any documentation presented as verification of age is of a type prescribed in the Licensing (Scotland) Act 2005 or Regulations under that Act as suitable for that purpose.
3. An order register must be kept on the premises containing details of the items ordered/despached, with details of when the order was placed and when the alcohol was despached.
4. A delivery/refusal register requires to be maintained by the delivery driver containing details of the person accepting delivery or, if delivery was refused, the reason for any refusals.
5. No delivery of alcohol should be left unattended (including in a safe place) or with Children or Young Persons where there is no adult available to accept delivery.
6. Where a third party carries out deliveries, a written agreement must be in place between the holder of the premises licence and the third party setting out that the measures narrated at the foregoing points 1 to 5 are to be complied with.

I further recommend that the Licensing Board updates the premises licence conditions with the up to date conditions in relation to off sale type premises to prevent crime and disorder and protect Children and Young People from harm and in particular add:

Part B – Off-Sales

The holder of a premises licence shall ensure that:-

1. A refusal register is maintained in the premises recording all incidences of refused sales, including the date and time, the reason for refusal and the member of staff refusing the sale.
2. The refusal register is inspected by the Designated Premises Manager, or his nominated representative, at least on a fortnightly basis.
3. The refusal register is made available for inspection by the Police and Licensing Standards Officers on request.
4. The refusal register may be kept in electronic form, in which event the obligation imposed by condition 3 above may be discharged by making available for inspection as aforesaid a printed copy of the refusal register's entries.

Peter Clyde

Licensing Standards Officer

Date: 14 August 2024

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